

COUNTY COUNCIL

Jay Furfaro, Chair
Nadine K. Nakamura, Vice Chair
Tim Bynum
Gary L. Hooser
Ross Kagawa
Mel Rapozo
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Ricky Watanabe, County Clerk
Jade K. Fountain-Tanigawa, Deputy County Clerk


Telephone (808) 241-4188
Fax (808) 241-6349
Email cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

MEMORANDUM

February 28, 2013

TO: Bernard P. Carvalho, Jr., Mayor

FROM: Jay Furfaro, Council Chair 

RE: **FEBRUARY 27, 2013, COUNCIL MEETING**

This is to inform you of the action taken by the Council at its February 27, 2013, Council Meeting:

CONSENT CALENDAR:

C 2013-79 Communication (01/23/2013) from Councilmember Kagawa, transmitting for Council consideration, a Resolution supporting Kaua'i's fishermen, ocean gatherers, and recreational ocean users as it relates to their concerns with the Hawaiian Islands Humpback Whale Marine Sanctuary, which is currently in the process of updating its management plan, to include, but not be limited to, the addition of other species to be protected, and additional rules and regulations for activities within the Sanctuary boundaries. *(Received for the Record)*

C 2013-80 Communication (02/04/2013) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Pauline D. Ventura to the Liquor Control Commission of the County of Kaua'i – Term ending 12/31/2015. *(Received for the Record)*

C 2013-81 Communication (02/06/2013) from Council Vice Chair Nakamura and Councilmember Rapozo, transmitting for Council consideration, a Proposed Draft Bill Relating to the Identification of Licensed Electricians and Plumbers on Construction Job Sites in accordance with Hawai'i Revised Statutes (HRS) Section 444-9.5, to provide the Department of Public Works, Building Division with enforcement authority and to implement penalties for violations. *(Received for the Record)*

C 2013-82 Communication (02/07/2013) from Councilmember Yukimura, transmitting for Council consideration, a Proposed Draft Bill to allow homeowners who previously, but did not file for the additional Low Income Exemption to obtain a credit for the difference between the amount of Real Property Tax assessed on the homeowner's property for the 2013 Tax Year and the amount of the Real Property Tax that would have been assessed had the homeowner applied for the exemption. *(Received for the Record)*

C 2013-83 Communication (02/14/2013) from the Public Access, Open Space and Natural Resources Preservation Fund Commission's Vice Chair, transmitting for Council information, the Commission's 2012 Status Report, in conformance with the requirement of Ordinance 925, the County of Kaua'i, Public Access, Open Space, and Natural Resources Preservation Fund Commission. *(Received for the Record)*

COMMUNICATIONS:

C 2013-70 Communication (01/29/2013) from the Deputy Director of Finance, transmitting for Council information, Period 1-5 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of November 30, 2012, pursuant to Section 21 of the Fiscal Year 2012-2013 Operating Budget Ordinance No. B-2012-736 of the County of Kaua'i. *(Received for the Record)*

C 2013-84 Communication (01/03/2013) from Council Vice Chair Nakamura, requesting the presence of the President and CEO of Kaua'i Planning & Action Alliance to provide a progress report and update on the Arts & Culture, Comprehensive Economic Development Strategy (CEDS) Project. *(Received for the Record)*

C 2013-85 Communication (01/31/2013) from the Executive on Aging, requesting Council approval to receive and expend State of Hawai'i, Department of Health funds in the amount of \$1,650.00 for lay leader training, monitoring/fidelity training, and an update training of newly revised Stanford University's Chronic Disease Self-Management Program (CDSMP) manuals for leaders. *(Approved.)*

C 2013-86 Communication (02/05/2013) from the Prosecuting Attorney, requesting Council approval to change the use of funds from the State of Hawai'i, Department of Human Services, Office of Youth Services, Juvenile Accountability Block Grant (JABG) Program in the amount of \$18,694.00, from the Keiki P.O.H.A.K.U. Program, to Kaua'i Teen Court. *(Approved.)*

C 2013-87 Communication (02/05/2013) from the Housing Director, requesting Council approval, to sell a residential property situated at 3874 Hunakai Street, Lihu'e, Kaua'i, Hawai'i, TMK: (4)3-3-008:019, at an affordable leasehold sales price of \$305,000.00 or the appraised value, whichever is lower and to authorize the County Clerk to sign all legal documents relating to the sale of said property. The property was acquired utilizing the Neighborhood Stabilization Program Funds (NSP) which restricts sales to one hundred twenty percent (120%) and below of the Kaua'i Median Household Income. *(Approved.)*

C 2013-88 Communication (02/12/2013) from the Housing Director, requesting Council approval of a leasehold sale of a residential property situated at 5178 Kome Street, Kapa'a, Kaua'i, Hawai'i to Kaua'i Economic Opportunity, Inc. (KEO), "as is" in the amount of \$180,000.00 for a lease term of twenty (20) years and to authorize the County Clerk to sign all legal documents relating to the sale of said property. *(Approved.)*

C 2013-89 Communication (02/06/2013) from Council Chair Furfaro, requesting the presence of the Director of Planning to provide the Council with an update on the Transient Vacation Rental (TVR) Enforcement Initiatives of the Planning Department. *(Received for the Record.)*

C 2013-90 Communication (02/14/2013) from the Prosecuting Attorney, requesting Council approval to apply, receive and expend Federal Highway Safety grant funds from the State of Hawai'i Department of Transportation in the amount of \$10,700.00 to be used towards travel and training. *(Approved.)*

C 2013-91 Communication (02/20/2013) from Council Chair Furfaro, requesting the presence of the County Engineer, to discuss the location of the "Speed Limit" signs along Lāwa'i Road and related matters. *(Received for the Record.)*

LEGAL DOCUMENTS:

C 2013-92 Communication (01/29/2013) from the Fire Chief, requesting Council approval to indemnify the Arch/Diocese, Saint Catherine's, Catholic Mutual and their employees and agents per acceptance of the indemnification language contained in the "Unaffiliated Organization Agreement" and the "Facility Use Indemnity Agreement," for the usage of Saint Catherine's facility for the Community Emergency Response Team (CERT) Training Program. *(Approved.)*

C 2013-93 Communication (02/01/2013) from the Director of Finance and the IT Manager, requesting Council approval of the State Emergency Management System (EMS) Radio Site License Agreement to formalize the County's relationship with the State EMS public safety partners and their continued use of County radio sites.

- License Agreement No. 8829

(Approved.)

COMMITTEE REPORTS: APPROVED.

RESOLUTIONS:

Resolution No. 2013-38 – RESOLUTION SUPPORTING KAUAI'S FISHERMEN, OCEAN GATHERERS, AND RECREATIONAL OCEAN USERS
(Deferred to 10/09/2013.)

Resolution No. 2013-39 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION
(Pauline D. Ventura) (Approved.)

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2466) – A BILL FOR AN ORDINANCE ESTABLISHING A NEW ARTICLE 7, CHAPTER 12, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO LICENSED ELECTRICAL AND PLUMBING WORKERS *(Received for the Record.)*

Proposed Draft Bill (No. 2467) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED RELATING TO REAL PROPERTY TAX *(Approved on 1st reading, Public Hearing scheduled for 03/27/2013, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.)*

BILLS FOR SECOND READING:

Bill No. 2460, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, OF THE KAUAI COUNTY CODE 1987, AS AMENDED, ENTITLED “BUILDING CODE” *(See also CR-PWPR 2013-05; the Public Works/Parks & Recreation Committee recommended approval as amended to Bill No. 2460, Draft 1 on February 20, 2013.) (Deferred.)*

Bill No. 2462 – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737 AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND *(Hardy Street Improvements \$740,000.00) (See also CR-FED 2013-03; the Finance & Economic Development (Tourism / Visitor Industry / Agriculture / Food / Energy) & Intergovernmental relations Committee recommended approval on second on second and final reading.) (Approved.)*

Bill No. 2463 – A BILL FOR AN ORDINANCE AMENDING SECTION 19-1.4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PARKS AND RECREATION *(See also CR-PWPR 2013-06; the Public Works/Parks & Recreation Committee recommended approval on second and final reading.) (Approved.)*

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: Council
Via E-mail: KCT Department Heads
KCT CCs
Staff